



State of Utah

Department of Natural Resources

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November 18, 2005

CERTIFIED RETURN RECEIPT 7002 0510 0003 8603 2694

Alex Boulton
Brush Resource, Inc.
P.O. Box 815
Delta, Utah 84624

Subject: Second Review of the Amendment of Notice of Intention to Commence Large Mining Operations, Brush Resources, Inc. Topaz Mine, M/023/003, Millard County, Utah

Dear Mr. Boulton:

The Division has completed a review of the amendment received on August 26, 2005 and maps on September 12, 2005 for the Topaz Mine, located in Millard County, Utah. After reviewing the information, the attached comments need to be addressed prior to approval.

The comments are listed below under the applicable Minerals Rule heading. Please format your response in a similar fashion. Address only those items requested in the attached technical review by sending replacement pages of the original notice using **redline and strikeout text**. The last response using edit mode does not clearly show changes made to the document. The submitted plan references sections of the current plan. If the intent is for this plan being reviewed to supersede the current plan, those references should be included as an appendix to this plan.

If you have any questions please contact me, Tom Munson, or Paul Baker of the Minerals Staff. Thank you for your cooperation in completing this permitting action. Attached is a form to Revise or Amend Mining Operations Notice of Intention. Please submit this form with the next and any future amendment response.

Sincerely,

Susan M. White
Minerals Regulatory Program
Mining Program Coordinator

SMW:TM:jb
Attachment: Review, Amendment form
O:\M023-Juab\M0230003-Topaz-brush\final\2ndrev-11182005.doc

SECOND REVIEW OF NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS

**Brush Resources, Inc.
Topaz Mine**

**M/023/003
November 18, 2005**

R647-4-104 - Filing Requirements and Review Procedures

In the August 26, 2005 submission, changes were made on Table 5.1.2 that were not highlighted using the requested redline strikeout technique used in the rest of the application. While the R647 rules do not require a redline strikeout format it does help expedite the review for the Division if this format is used. The Division asked the applicant to recheck the submission to determine other areas of change in this submission are not highlighted. (DJ)

Page 38 of the application requires correction or clarification where the a deletion of a portion of a sentence reads "Pit Complex or Ancillary Area". (DJ)

R647-4-105 - Maps, Drawings & Photographs

105.2 Surface facilities map

The surface facilities located at the mine needs to be shown at a minimum scale of 1"=100'.

In order to properly evaluate any surety estimate of these facilities, some detail of the size and construction of these facilities is needed. Please include this information in the plan. (DJ)

Plates 5A & 5B show areas labeled "Bonding Period". The text of the application refers to Phase 1 mining not a bonding period, are these two items the same? If Phase 1 differs from the bonding period, please show Phase 1 mining on these maps. (DJ)

R647-4-106 - Operation Plan

106.5 Existing soil types, location, amount

Section 5.6 of the plan says the operator intends to adopt a soil testing and assessment program, combined with a set of uniform field observations. The Division suggests the most critical parameters for which the soil should be tested in the field are electrical conductivity and texture. A plan for making field observations that includes these parameters could be included in the plan. (PBB)

R647-4-107 - Operation Practices

107.3 Erosion control & sediment control

A statement in Section 5.7 reads that "In the event of minor erosions, the dumps will be routinely monitored and repaired as needed....."

What contingencies will be made to repair these events when BRI is no longer on site to perform these repairs? These areas should be engineered to negate the need for these occasional repairs. (DJ)

R647-4-110 - Reclamation Plan

110.2 Roads, highwalls, slopes, drainages, pits, etc., reclaimed

Plates 11A and B show county roads cutting through pits and over dumps, and these maps do not indicate these roads will be eliminated. This appears to be an oversight because it does not seem realistic to retain these roads. Please make the appropriate corrections or explain the intent of the maps or how it would be practical to keep the roads. (PBB)

110.3 Description of facilities to be left (postmining use)

The plan mentions a well, surface pond and standpipe. These items will need to be reclaimed if they do not have a postmine land use. (DJ)

R647-4-111 - Reclamation Practices

111.1 Public safety & welfare

1.12 Disposal of trash & debris

In Section 7.11.2 the notice states that upon closure of the landfill the area will be covered with 5 feet or more of rhyolite waste before replacing topsoil. Under Section 7.4.3 the landfill will be closed using at least two feet of waste rock followed by a six-inch soil cover. Which of these two statements is correct? (DJ)

111.6 All slopes regraded to stable configuration

The notice states that waste rock dumps, including pit backfills that result in fills above the pit surface will be recontoured. Does that mean that if a pit backfill does not extend above the surface it will not be rounded? Please clarify. (DJ)

111.8 All roads & pads reclaimed

The application states that all mining related roads would be ripped to a depth of 18 inches.

All roads and compacted surfaces will need to be ripped to a depth of 24 inches to remove compaction. (DJ)

111.12 Topsoil redistribution

In Section 7.8 the text refers to Table 5.6-1 that indicates that the total amount of soil to be salvaged during Phase 1 as 48,082. Referring to Table 5.6-1 this total is shown to be 48,105. On page 67 of the latest submission also refers to the total of 48,082 cubic yards of soil. Please change the text to match the table. (DJ)

R647-4-112 – Variance

Plate 12 gives some information about the variance and release status of certain areas. Please clearly show:

- areas that have been released.
- if the areas varianced (both green and light brown) shown on Plate 12 are released.
- areas with variances that have not yet been release.

New requests for variances must be requested for areas with past variances which will be redisturbed under this proposal.

In Section 8.4, the operator proposes to apply rule R647-4-111.13.12 as the primary revegetation success standard. This rule says revegetation shall be considered accomplished when the Division determines that the revegetation work has been satisfactorily completed within practical limits. The determination whether revegetation has been satisfactorily completed within practical limits would be based on 1) germination occurring in two or more growing seasons (not necessarily consecutive), 2) records showing that soil placed on reclaimed areas was satisfactory, and 3) rainfall records demonstrating that two or more successive seasons of exceptionally low rainfall have not occurred over the reclamation period. (PBB)

The Division is not aware of any other instance where this rule has been applied in this manner. Except in a few cases where a reduced cover standard is used because of pre-law disturbance, an alternative postmining land use, or because of some other factor, the Division requires the reclaimed area to have 70 percent of the premining vegetative ground cover. When vegetation does not achieve this standard, the Division considers on a case-by-case basis whether revegetation has been completed within practical limits. This option is available to the operator, but the main goals should be to achieve at least 70 percent of the premining vegetative ground cover. For these reasons, the Division hereby denies the variance request, and the plan needs to be modified accordingly. The Division will continue to honor the revegetation variances that have been granted in the past for areas where tuff was applied as soil and on the dump outcrops. (PBB)

Plate 12 shows areas of the mine where different variances have been applied. It is not clear from this map which variances apply to which areas. Which areas have a revegetation variance because of tuff soil? What portions of the dumps are outcrops with a revegetation variance? What other variances apply to what other areas? Please distinguish between the areas that have been released, those areas that are still active, and the areas where the different variances have been and would be applied? (PBB)

The permittee should be aware that highwall variances granted pertained to areas within the pits as they were designed, at the time of the previous permit approval. An application for additional variances will be required for pit highwalls that occur in any areas other than those specifically covered by the past variances. (DJ)